



NEWS

Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS
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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JUNE 24, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-110 People v. Lopez, S106681. (F036242; 97 Cal.App.4th 583.) Petition for review after the Court of Appeal affirmed the judgment of conviction of criminal offenses. The court limited review to the following issue: Does the felonious taking element of the crime of carjacking require the asportation, or actual movement, of the motor vehicle? (See Pen. Code, § 215.)

#02-111 Hagsberg v. California Federal Bank, S105909. (B146368; unpublished opinion.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action. The court ordered briefing deferred pending decision in Balser v. Wells Fargo Bank, N.A., S101833 (#01-170), and Mulder v. Pilot Air Freight, S105483 (#02-86), which present the following issue: Is the privilege for reporting suspected criminal activity to a police officer (Civ. Code. § 47(b)), absolute or does it apply only to statements made in good faith?

STATUS

People v. Carter, S053288, an automatic appeal, was abated on the death of the appellant.

#02-85 People v. Hernandez, S105271. The court limited review to the following issue: Assuming the trial court's discharge of a juror was prejudicial error, is retrial barred by principles of double jeopardy?

(over)

#01-34 People v. Roberge, S094627. The court invited supplemental briefing addressing the effect of the recently filed decision in People v. Superior Court (Ghilotti) (2002) 27 Cal.4th 888, on the issues in the case, particularly the Ghilotti decision’s construction of the term “likely” in Welfare and Institutions Code section 6601, subdivision (d), which pertains to the initial evaluation by two mental health professionals to determine whether a person is subject to commitment under the Sexually Violent Predators Act because he or she “is likely to commit new acts of criminal sexual violence unless confined and treated.”

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